

Report Date: November 18, 2008

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

NOV 21 2008

**Eastern District of Washington**

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Kevin P. Curtis

Case Number: 2:01CR00031-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Chief U.S. District Judge

Date of Original Sentence: 8/3/2001

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of Firearm, 18 U.S.C. § 922(g) and 924; Felon in Possession of Ammunition, 18 U.S.C. § 9222(g) and 924; Interstate Transportation of a Stolen Firearm, 18 U.S.C. § 922(j) and 924; Possession of A Stolen Firearm, 18 U.S.C. § 922(j) and 924

Date Supervision Commenced: 2/25/2008

Original Sentence: Prison - 92 Months; TSR - 36 Months

Date Supervision Expires: 2/24/2011

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 20 You shall reside in a residential reentry center for a period of up to 180 days. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

**CAUSE**

Mr. Curtis violated conditions of his supervised release by submitting consecutive urine samples on November 5 and 15, 2008, which revealed positive findings for marijuana. Kevin Curtis also failed to perform 8 hours of community service, at a rate of no less than 4 hours per month, as ordered by the Court on September 25, 2008.

On November 17, 2008, the offender was summoned to the U.S. Probation Office to address the reported noncompliance. Mr. Curtis admitted violating the above conditions of supervision as outlined. In addition, Kevin Curtis signed an admission of drug use form indicating he consumed marijuana on November 4 and 12, 2008. On November 13, 2008, U.S. Probation received confirmation from Kroll Laboratory, indicating the sample collected on November 5, 2008, was positive for THC metabolites. Kevin Curtis was asked whether he would waive his right to a hearing and agree to the modification as previously described. As indicated by the enclosed waiver of hearing to modify conditions of supervised release, Mr. Curtis has agreed to the proposed modification.

Prob 12B

Re: Curtis, Kevin P

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As the Court may recall, Kevin Curtis has a long-standing history of substance abuse. Consequently, on September 22, 2008, Richard Law, U.S. Probation Officer, submitted a violation report after Mr. Curtis was arrested for theft. The offender's conditions of supervised release were modified to include 8 hours of community service work, to be completed at a rate of not less than 4 hours per month. As indicated previously, Mr. Curtis has failed to adhere to the condition specific to performing community service hours.

As an intermediate sanction, Kevin Curtis was again verbally reprimanded and directed to refrain from use of all mind altering substances. He was immediately referred to New Horizon Care Centers for intensive aftercare services. It is expected that he will continue to avail himself for urinalysis testing. It is noted that significant resources to address the offender's emotional health and addiction problems are being expended.

Reluctantly, it is respectfully recommended that the attached waiver of hearing to modify conditions of supervised release be adopted requiring Kevin Curtis to reside at a residential reentry center for a period of 180 days. The undersigned will facilitate placement at Geiger Corrections Center, if Your Honor concurs. However, in the event you choose to have a warrant or summons issued, please advise and the undersigned will prepare the appropriate petition and present it for your signature.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11-18-08

Tommy Rosser

Tommy Rosser  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

NOV. 20, 2008

Date



# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 20 You shall reside in a residential reentry center for a period of up to 180 days. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

Witness:



Tommy Rosser  
U.S. Probation Officer

Signed:



Kevin P Curtis  
Probationer or Supervised Releasee

11-17-08

Date